UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,165	09/18/2000	John Border	PD-990184	4161

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PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER
VU, VIET DUY

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 April 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,8-24 and 26-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6,8-24 and 26-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Art Rejections:

1.   The text of 35 U.S.C. § 103(a) not cited here can be found in the previous office action.

2.   Claims 1-6, 8-24 and 26-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heddaya U.S. pat. no. 6,205,481.

Per claims 1 and 4, Heddaya discloses a system and method for spoofing TCP communications over the networks comprising:

a) means for determining specific type of communication is using the TCP connection, i.e., detecting SYN packet directed to HTTP ports (see col 9, lines 55-60),

b) means for selectively performing TCP spoofing between a http client applicant and a http server in accordance with the type of communication and/or other application level determination, i.e., whether a requested document resides in the local cache (see col 9, line 61 – col 10, line 26).

Heddaya does not explicitly teach determining particular application is using TCP connection per se. An official notice is taken that many applications are associated with particular communication types. For example, in Heddaya, the execution of a client application, e.g., web browser, for downloading documents

from a http server requires HTTP communications over TCP connection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize in Heddaya the step of identifying (both) application and communication type from the detected communication request because it would have enabled properly use of client resources for the particular application.

Per claim 2, an application for downloading large files is considered to be high throughput application.

Per claim 3, it is noted that a conventional TCP connection establishment would require assignment of buffer spaces and control blocks.

Per claims 5 and 6, Heddaya teaches more than one spoofing approach (see col 10, lines 17-31). Heddaya also teaches performing a series of steps for the spoofing approach (see figs 4 and 5). It would have been further obvious to utilize implement one of Heddaya's spoofing approaches into a spoofing rule or profile because it would have enabled the spoofing rules to be selected and implemented within a router's filter element.

Per claims 8-18, it is noted that Heddaya teachings would have been implemented at any network element, i.e., router, hub,

etc., and over any conventional backbone links including wireless links.

Claims 19-32 are similar in scope as that of claims 1-18.

Per claims 33-43, it is noted that Heddaya's detection of communication type requires an examination of a field in the received packet (see col 9, lines 57-60).

Response to Amendment:

3. Applicant's arguments filed on 4/1/04 with respect to claims 1-6, 8-24 and 26-43 have been fully considered but are moot in view of new grounds of rejection set forth above.

Conclusion:

4. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
5/24/04